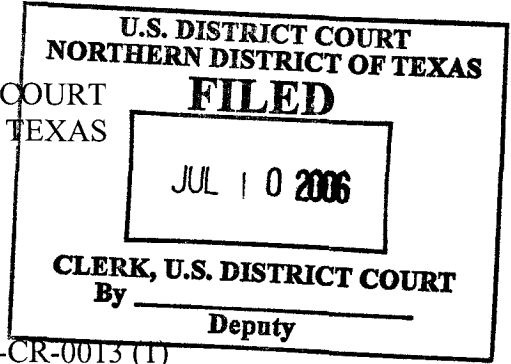


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



UNITED STATES OF AMERICA

v.

STEPHEN P. MILLER

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§

2:06-CR-0013 (1)

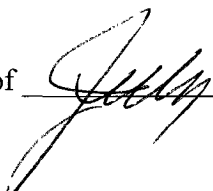
ORDER ADOPTING REPORT AND RECOMMENDATION,
DENYING DEFENDANT'S MOTION TO DISMISS,
and DENYING DEFENDANT'S MOTION TO STRIKE
AND/OR REQUIRE GOVERNMENT TO ELECT COUNT

On June 19, 2006, the United States Magistrate Judge entered a Report and Recommendation recommending therein that the motion to dismiss filed by defendant STEPHEN P. MILLER be denied, and that the motion to strike and/or require government to elect count be denied. No objections to the Report and Recommendation have been filed of record.

The undersigned United States District Judge has reviewed the Report and Recommendation of the United States Magistrate Judge and has made an independent examination of the records in this case. Based upon the foregoing, the undersigned District Judge is of the opinion the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, both the motion to dismiss and the motion to strike and/or require government to elect count filed by defendant STEPHEN P. MILLER are DENIED.

IT IS SO ORDERED.

ENTERED this 10th day of July 2006.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE